

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. 2:23-cv-02050-JLS-SHK

Date: February 23, 2024

Title: *Yashalom B.J. Gray v. Robbert Luna, et al.*

Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

D. Castellanos

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings (IN CHAMBERS): ORDER TO SHOW CAUSE RE: WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

On March 17, 2023, plaintiff Yashalom B.J. Gray (“Plaintiff”) filed the complaint (“Complaint” or “Compl.”) in this matter. Electronic Filing Number (“ECF No.”) 1, Compl. On January 22, 2024, the Court issued an Order Dismissing Complaint with Leave to Amend (“ODLA”). ECF No. 20, ODLA. In the ODLA, the Court dismissed the Complaint and instructed Plaintiff that if he wishes to pursue this case, he must file a First Amended Complaint (“FAC”) within twenty-one days of the service date of the ODLA. Id. at 12. The Court also cautioned Plaintiff “**if Plaintiff does not timely file a FAC, the Court may recommend that this action be dismissed with or without prejudice for failure to state a claim, failure to prosecute, and/or failure to obey Court orders under Federal Rule of Civil Procedure [(“Fed. R. Civ. P.” or “Rule”)] 41(b).**” Id. at 13 (emphasis added).

Under Federal Rule of Civil Procedure 41(b), the Court may dismiss an action with prejudice for failure to prosecute or failure to comply with any court order. See Fed. R. Civ. P. 41(b). As of the date of this Order, Plaintiff has not filed a FAC, requested an extension to file a FAC, or otherwise communicated with the Court regarding his intent to pursue this action. Before dismissing this action, however, the Court will afford Plaintiff an opportunity to either file a FAC or explain his failure to file a FAC.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE**, in writing, why this action should not be dismissed for failure to prosecute and/or comply with court orders. Plaintiff shall have up to and including **March 7, 2024**, to respond to this Order or file a FAC. **Plaintiff is**

cautioned that failure to timely file a response to this Order or a FAC will result in the Court recommending that this action be dismissed without prejudice.

IT IS SO ORDERED.